

T A S M A N I A.



1874.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 11.

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AN ACT to amend the Practice of the Supreme Court with respect to the Review of the Decisions of Justices. [18 September, 1874.] A.D. 1874.

WHEREAS *ex parte* proceedings are frequently taken in the Supreme Court to bring under review the decisions of Justices of the Peace acting both in and out of Sessions, and there is no fund at the disposal of such Justices to defray the expense of appearing by Counsel to support their decisions : PREAMBLE.

And whereas it is expedient that such Justices should, without expense to themselves, have an opportunity in such cases of informing the Court of the grounds of their decision, and of all material facts bearing upon the same :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Review of Justices Decisions Act, 1874.” Short Title.

2 Whenever the decision of any Justice or Justices is called in question in the Supreme Court by a rule to show cause or other process issued upon an *ex parte* application, it shall be lawful for any such Justice or Justices to make and file in such Court an affidavit setting forth the grounds of the decision so brought under review, and any facts Justice when his decision is called in question in Supreme Court may file affidavit

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showing grounds  
of his decision  
without payment  
of fee.

which he or they may consider to have a material bearing upon the question at issue, without being required to pay any fee in respect of filing such affidavit; and such affidavit may be sworn before a Commissioner of the Supreme Court, and may be forwarded by post to the Registrar of the Court for the purpose of being so filed.

Court to take into  
consideration  
matters contained  
in affidavit not-  
withstanding non-  
appearance of  
Counsel in  
support.

**3** Whenever any such affidavit has been filed as aforesaid, the Court shall, before making the rule absolute against the Justice or Justices, or otherwise determining the matter so as to overrule or set aside the acts or decisions of the Justice or Justices to which the application relates, take into consideration the matters set forth in such affidavit, notwithstanding that no Counsel appear on behalf of the said Justice or Justices.